

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

<b>BARNES-JEWISH HOSPITAL,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 4:09-CV-01701-HEA</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Defendant.</b>	)	

**STIPULATION AND ORDER MODIFYING THE STIPULATION AND ORDER OF  
DISMISSAL WITHOUT PREJUDICE AND RIGHT TO REINSTATE**

On November 29, 2010, the Court entered the Stipulation and Order of Dismissal Without Prejudice and Right to Reinstate (Dkt. Nos. 27, 28). By the Stipulation and Order of Dismissal Without Prejudice and Right to Reinstate, plaintiff, Barnes-Jewish Hospital (hereinafter “Plaintiff”), and defendant, the United States of America (hereinafter “Defendant”), sought to dismiss the above-referenced case without prejudice and with the right to reinstate for a period of two years from the date of entry of said order. The purpose of that stipulation was to permit Barnes to pursue an administrative refund process with the Internal Revenue Service (in accordance with Announcement IR-2010-25 and Publication 4843-A) of its FICA Medical Resident Refund Claims for the 24 calendar quarters in the years 1999 through and including 2004, which are the subject of this tax refund case.

On November 27, 2012, this Court extended the period for possible reinstatement of this action by one additional year. (Dkt. No. 30).

On November 14, 2013, this Court extended the period for possible reinstatement for an additional year until November 29, 2014. (Dkt. No. 32).

Because issues regarding the calculation of interest (*see Maimonides Medical Center v. United States*, 2014 WL 5141542 (E.D.N.Y. 2014) remain in dispute, and the period in which the parties could reinstate the case is again nearing expiration, the parties further agree and stipulate as follows:

1. Paragraph 10 of the Stipulation and Order of Dismissal Without Prejudice and Right to Reinstate is modified to provide as follows:

“Accordingly, the parties agree to dismiss this case without prejudice with right to reinstate this case until five years from November 29, 2010, that being the date of entry of the Stipulation and Order of Dismissal Without Prejudice and Right to Reinstate, and hereby agree that upon reinstatement, the reinstated Complaint will be deemed to have been filed on the date the Complaint was originally filed.”

Date: November 18, 2014

/s/ Hilarie E. Snyder

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*Attorneys for Plaintiff Barnes-Jewish Hospital*

IT IS SO ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
Hon. Henry E. Autrey  
U.S. District Judge

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